IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.4151 OF 2004
IN
CRIMINAL APPEAL NO.914 OF 2004

Smt.Surekha Bharate Kute & anr. Applicants

Vs.

The State of Maharashtra Respondent

Ms.Pranali Kakade for applicants.
Mr.D.S.Mhaispurkar, APP for State.

CORAM: S.S.PARKAR & SMT.RANJANA DESAI,JJ.

November 03, 2004.

P.C.

1. Heard.

2. This is the second application made on behalf of these applicants for their release on bail pending the hearing of the appeal filed in this Court against the order of conviction for offence under Section 302 of IPC. The earlier application for bail was rejected by us on 2nd August 2004 on merits on the basis of the dying declaration of the deceased implicating both these applicants. In view of the said order the second application for bail on the same grounds cannot be granted. Hence the prayer for bail is rejected. The applicants have in the alternative prayed for expedition and fixing the date of hearing of the appeal itself. By the earlier order while rejecting the application for bail we had expedited the hearing of the appeal. It appears that

the appeal paper book is not yet ready. The appeal is of the year 2004. After the appeal paper book is ready it would be open for the appellants to apply for fixing the date before the appropriate Bench.

The application is disposed of accordingly.

(S.S.PARKAR,J.)

(SMT.RANJANA DESAI,J.)